

Appl. No. 10/709,892
Amdt. dated March 30, 2006
Reply to Office action of January 17, 2006

REMARKS/ARGUMENTS

1. Rejection of claims 1-5, 7, and 11 under 35 U.S.C. 102(b):

Claims 1-5, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Konishi (US 5,764,751) for reasons of record.

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Response:

The applicant would like to point out the patentable differences between independent claim 1 and Konishi. Claim 1 contains the limitation of "detecting environmental volume surrounding the mobile phone with the volume detector **after** the predetermined period of time has elapsed". Therefore, the present invention does not detect the environmental volume surrounding the mobile phone at the moment when the phone call is received, but rather following a delay of a predetermined time period after the call is received. The result of this is the mobile phone alerts the user of a phone call in a normal manner unless the user has still not answered the phone call after the predetermined period of time. If the phone call is still unanswered, then the alert settings can be modified by raising the ringer volume, for example.

On the other hand, Konishi checks the ambient volume level of the phone **immediately** after a phone call is received, and not after a predetermined period of time. In the flowchart shown in Fig.4, Konishi teaches that when a phone call is received, the ambient noise volume is checked to see if it is greater than a predetermined value. If the ambient volume is too noisy, then the ringer volume is set at a normal volume. If the volume is not too noisy, then the ringer is turned off and the vibrating settings are activated. If the phone is still not answered after a first predetermined time has elapsed, then the vibrating settings are deactivated and the ringer volume is set to a quiet volume.

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In contrast to the claimed invention, Konishi does not teach "detecting environmental volume surrounding the mobile phone with the volume detector after the predetermined period of time has elapsed," as is recited in claim 1. Claims 2-5, 7, and 11 are dependent on claim 1, and should be allowed if claim 1 is allowed.

5 Reconsideration of claims 1-5, 7, and 11 is respectfully requested.

2. Rejection of claim 6 under 35 U.S.C. 103(a):

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konishi in view of Scott (US 6,895,237) for reasons of record.

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Response:

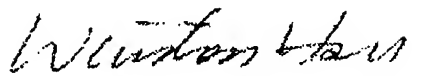
Claim 6 is dependent on claim 1, and should be allowed if claim 1 is allowed. Reconsideration of claim 6 is respectfully requested.

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In view of the above statements in favor of patentability, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,



Date: 03/30/2006

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